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Gunnar G. Leinberg, Esq. Nixon Peabody LLP Clinton Square P.O. Box 31051 Rochester, NY 14603-1051				
EXAMINER				
GARCIA, GABRIEL I				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/073,374

Applicant(s)

BERNDT ET AL.

Examiner

GABRIEL I. GARCIA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Kujirai (US 2006/0119892) in view of Hokkanen et al. (US 6,993,666).

With respect to claim 1, Kujirai discloses a system (Fig 1) comprising: an access code system that embeds at least one access code (**password**) in a job stream (**command data and information data**), the device having multiple features (see fig. 7); and a job transmission system that transmits the job stream to a wherein the embedded code is match to the device code (page 1, paragraphs 0007-0008 and page 3, paragraph 0038, the code is typically match with password of the device. Kujirai does not disclose each embedded code permitting access to a subset of device features, but not to other device features of the device, matching with the access code stored in memory and wherein the authorization of the subset of device features occurs if each identified access code embedded in the job stream matches each stored access code for the job.

Hokkanen et al. does disclose permitting access to a subset of a device

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features, but not to other device features of the device, matching with the access code stored in memory and wherein the authorization of the subset of device features occurs if each identified access code embedded in the job stream matches each stored access code for the job (see abstract. Col. 2, lines 32-66)

At the time of the invention it would have been obvious to one skilled in the art to switch the single access code system to access the features of the device as taught by Kujirai with multiple codes to permit access to features or services as suggested by Hokkanen et al. because of the following reasons: 1) will allow the system of Kujirai to control access to the different features of the device by only allowing the access to users that are authorized; 2) will facilitate the user(s) of the system of Kujirai to access to a printing device that exhibits a particular configuration, while denying others, and 3) as suggested by Hokkanen et al. on col. 2, lines 32-42).

Claim 6 recites identical features as claim 1, except claim 6 is a method claim. Thus, arguments similar to that presented above for claim 1 are also equally applicable to claim 6.

Claim 10 recites identical features as claim 1, except claim 10 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 1 are also equally applicable to claim 10. Applicant's attention is further invited to Memory 2, 3, 13 and 19 of Fig 1 for a computer readable medium disclosed by Kujirai.

With respect to claim 2, Kujirai in view of Weaver discloses the system as set forth in claim 1 wherein the embedded access code (password) further

comprises at least one job control entity or at least one page description language (PDL) instruction having a unique identifier (page 3, paragraph 0037, lines 22-30 and paragraph 0038). The examiner notes that the print data, including the password, is sent to the printer after conversion to PDL (page 3, paragraph 0037, lines 22-30 and paragraph 0038, lines 1-7). Therefore, the examiner views the password to comprise at least one PDL instruction having a unique identifier. The password can also be interpreted as being comprised of at least one job control entity as it controls the print job's access at the printer.

Claim 7 recites identical features as claim 2, except claim 7 is a method claim. Thus, arguments similar to that presented above for claim 2 are also equally applicable to claim 7.

Claim 11 recites identical features as claim 2, except claim 11 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 2 are also equally applicable to claim 11. Applicant's attention is further invited to Memory 2, 3, 13 and 19 of Fig 1 for a computer readable medium disclosed by Kujirai.

With respect to claim 3, Kujirai in view of Weaver discloses the system as set forth in claim 1 wherein the job stream further comprises a file having at least One page description language instruction (page 3, paragraph 0037, lines 22-30 and paragraph 0038).

The examiner notes that the print data stream is PDL and notes that the printer

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is said to recognize the job language (page 3, paragraph 0037, lines 22-30 and paragraph 0038).

Claim 8 recites identical features as claim 3, except claim 8 is a method claim. Thus, arguments similar to that presented above for claim 3 are also equally applicable to claim 8.

Claim 12 recites identical features as claim 3, except claim 12 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 3 are also equally applicable to claim 12. Applicant's attention is further invited to Memory 2, 3, 13 and 19 of Fig 1 for a computer readable medium disclosed by Kujirai.

With respect to claim 4, Kujirai in view of Hakkanen et al. discloses the system as set forth in claim 1 wherein the at least one device feature comprises color printing, monochrome printing, duplex printing (page layout of Fig 7), a mailbox destination to send printed documents to, manual feed source printing (paper source of Fig 7), high page count printing (number of copies of Fig 7), non-business hours printing, large media printing (custom paper size of Fig 7), printing media type, printing paper size (custom paper size of Fig 7), printing paper color and network facsimile document sending.

Claim 9 recites identical features as claim 4, except claim 9 is a method claim. Thus, arguments similar to that presented above for claim 4 are also equally applicable to claim 9.

Claim 13 recites identical features as claim 4, except claim 13 is a computer

Readable medium claim. Thus, arguments similar to that presented above for claim 4 are also equally applicable to claim 13. Applicant's attention is further invited to Memory 2, 3, 13 and 19 of Fig 1 for a computer readable medium disclosed by Kujirai.

With respect to claim 5, Kujirai in view of Hakkanen et al. discloses the system as set forth in claim 1 wherein the device comprises a printer (Printer 1500 of Fig 1).

With respect to claim 14, the limitations of claim 14 are covered by the limitations of claim 1 above; and Kujirai discloses a system comprising: a parsing system that parses a job stream to find at least one embedded access code (**e.g.the data consists of command data and information data** and it is parsed (page 3, [0037-0039]).

Claim 20 recites identical features as claim 14, except claim 20 is a method claim. Thus, arguments similar to that presented above for claim 14 are also equally applicable to claim 20.

Claim 26 recites identical features as claim 14, except claim 26 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 14 are also equally applicable to claim 26. Applicant's attention is further invited to Memory 2, 3, 13 and 19 of Fig 1 for a computer readable medium disclosed by Kujirai.

With respect to claim 15, Kujirai in view of Hakkanen et al. discloses the system as set forth in claim 14 wherein the at least one device feature comprises color printing, monochrome printing, duplex printing (page layout of Fig 7), a mailbox destination to send printed documents to, manual feed source printing (paper source of Fig 7), high page count printing (number of copies of Fig 7), non-business hours printing, large media printing (custom paper size of Fig 7), printing media type, printing paper size (custom paper size of Fig 7), printing paper color and network facsimile document sending.

The examiner references the applicant to the explanation given above for claim 4.

Claim 21 recites identical features as claim 15, except claim 21 is a method claim. Thus, arguments similar to that presented above for claim 15 are also equally applicable to claim 21.

Claim 27 recites identical features as claim 15, except claim 27 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 15 are also equally applicable to claim 27. Applicant's attention is further invited to Memory 2, 3, 13 and 19 of Fig 1 for a computer readable medium disclosed by Kujirai.

With respect to claim 16, Kujirai in view of Hakkanen et al. discloses the system as set forth in claim 14 wherein the embedded access code (password) further comprises at least one job control entity or at least one page description language (PDL) instruction having a unique identifier (page 3, paragraph 0037,

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lines 22-30 and paragraph 0038). The examiner references the applicant to the explanation given above for claim 2.

Claim 22 recites identical features as claim 16, except claim 22 is a method claim. Thus, arguments similar to that presented above for claim 16 are also equally applicable to claim 22.

Claim 28 recites identical features as claim 16, except claim 28 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 16 are also equally applicable to claim 28. Applicant's attention is further invited to Memory 2, 3, 13 and 19 of Fig 1 for a computer readable medium disclosed by Kujirai.

With respect to claim 17, Kujirai in view of Hakkanen et al. r discloses the system as set forth in claim 14 wherein the job stream further comprises a file having at least one job instruction and at least one feature setting instruction, each feature setting instruction corresponding to one of the authorized device features or to an unauthorized device feature (device settings or features of Fig 7 and page 3, paragraph 0037- 0039).

The examiner notes that the job stream or PDL data sent to the printer inherently comprises data having at least one job instruction and at least one feature setting instruction. Each feature setting instruction (Fig 7) corresponds to one of the authorized device features or to an unauthorized device features, depending on if the password given by the user matches the stored password in the printer

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(device settings or features of Fig 7 and page 3, paragraph 0037- 0039).

Claim 23 recites identical features as claim 17, except claim 23 is a method claim. Thus, arguments similar to that presented above for claim 17 are also equally applicable to claim 23.

Claim 29 recites identical features as claim 17, except claim 29 is a Computer readable medium claim. Thus, arguments similar to that presented above for claim 17 are also equally applicable to claim 29. Applicant's attention is further invited to Memory 2, 3, 13 and 19 of Fig 1 for a computer readable medium disclosed by Kujirai.

With respect to claim 18, Kujirai in view of Hakkanen et al. discloses the system as set forth in claim 17 further comprising a device (printer. 1500 of Fig 1) that executes the job instructions and only the feature setting instructions corresponding to the authorized device features (device settings or features of Fig 7 and page 3, paragraph 0037-0039).

The examiner notes that the printer executes the job instructions and only the feature setting instructions corresponding to the authorized device features in the case where the password has been matched to the stored password (device settings or features of Fig 7 and page 3, paragraph 0037- 0039)

Claim 24 recites identical features as claim 18, except claim 24 is a method claim.

Thus, arguments similar to that presented above for claim 18 are also equally

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applicable to claim 24.

Claim 30 recites identical features as claim 18, except claim 30 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 18 are also equally applicable to claim 30. Applicant's attention is further invited to Memory 2, 3, 13 and 19 of Fig 1 for a computer readable medium disclosed by Kujirai.

With respect to claim 19, Kujirai in view of Hakkanen et al. discloses the system as set forth in claim 18 wherein the device comprises a printer (Printer 1500 of Fig 1), the printer executing the job instructions and the authorized feature setting instructions to print a document (device settings or features of Fig 7 and page 3, paragraph 0037-0039).

The examiner notes that the printer executes the job instructions and the authorized feature setting instructions to print a document when the password has been matched to the stored password (device settings or features of Fig 7 and page 3, paragraph 0037- 0039)

Claim 25 recites identical features as claim 19, except claim 25 is a method claim.

Thus, arguments similar to that presented above for claim 19 are also equally applicable to claim 25.

Claim 31 recites identical features as claim 19, except claim 31 is a computer readable medium claim. Thus, arguments similar to that presented above for

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claim 19 are also equally applicable to claim 31. Applicant's attention is further invited to Memory 2, 3, 13 and 19 of Fig 1 for a computer readable medium disclosed by Kujirai.

Conclusion

3. Applicant's arguments filed 5/15/08 have been fully considered but they are not persuasive. Applicant's amendment necessitated the new grounds of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

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/Gabriel I Garcia/

Primary Examiner, Art Unit 2625

Gabriel I. Garcia
Primary Examiner
August 15, 2008